

OFFICIAL COPY

Fresno, California

December 12, 2000

The City Council met in regular session at the hour of 9:16 a.m. in the Council Chambers, City Hall, on the day above written.

Present:	Garry Bredefeld	Acting Council President
	Chris Mathys	Councilmember
	Henry Perea	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember
	Ken Steitz	Councilmember
	Tom Boyajian	Council President

Andy Souza, Interim City Manager
Jesse Avila, Assistant City Attorney
David Hale, Deputy City Attorney
Rebecca Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Reverend Leslie Mark, Bethany Mennonite Brethren Church, gave the invocation, and Councilmember Ronquillo led the Pledge of Allegiance to the Flag.

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PROCLAMATION OF LEN ROS DAY - COUNCILMEMBER MATHYS

Read and presented.

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THOUGHTS AND PRAYERS WITH CITY ATTORNEY MONTTOY ON HER MOTHERS' SURGERY; AND
COMMENDATION TO THE FRESNO FALCONS FOR THEIR ATTENDANCE AND SUCCESS THIS SEASON -
PRESIDENT BOYAJIAN

Announcement and commendation made.

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APPROVE MINUTES OF DECEMBER 5, 2000

On motion of Acting President Bredefeld, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the minutes of December 5th approved as submitted.

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APPROVE AGENDA:

(5:00 P.M.) HEARING ON PLAN AMENDMENT NO. A-00-02, CONDITIONAL USE PERMIT APPLICATION NO. C-00-58, AND ENVIRONMENTAL ASSESSMENT NO. A-00-02, C-00-58, FILED BY GRANUM PARTNERS, PROPERTY LOCATED ON THE NORTH AND WEST CORNER OF E. PERRIN AVENUE AND E. CHAMPLAIN DRIVE (3 ACRES ON THE NORTH CORNER OF 5.6 ACRES ON TH WEST CORNER)

1. RESOLUTION - ADOPTING THE MITIGATED NEGATIVE DECLARATION NO. A-00-02, C-00-58, DATED NOVEMBER 3, 2000

2. BILL - AMENDING THE DOMINION PLANNED COMMUNITY SPECIFIC PLAN PROJECT REPORT

3. BILL - APPROVING CONDITIONAL USE PERMIT APPLICATION NO. C-00-58

City Clerk Klisch corrected item #1 above advising the resolution should be deleted and the title should read: "1. Adoption of mitigated negative declaration...". So noted and corrected.

(1A-7) RESOLUTION - APPROVING THE REALLOCATION OF FUNDS FOR A FRESNO STREET PROJECT FROM "Q" TO "S" STREETS IN SUPPORT OF THE REGIONAL MEDICAL CENTER

City Clerk Klisch advised the resolution was subject to the Mayor's veto and required five affirmative votes for adoption. After the following item, Assistant City Attorney Avila read into the record a clarification relative to the issue as follows: "Prior to the expenditure of any funds the Agency or the City will arrange for application of any credits that may be due and owing to the City or the Agency prior to undertaking any street work." So noted.

(10:30 A.M.) REQUEST BY GEORGE AND MICHAEL DONOVAN TO APPROVE A MIXED-USE OFFICE/RETAIL SITE PLAN FOR PROPERTY LOCATED ON THE SOUTHEAST CORNER OF HERNDON AND PALM AVENUES

Request withdrawn by George Donovan.

(5A) * BILL - AMENDING FRESNO MUNICIPAL CODE SECTIONS 9-407 AND 9-408 RELATING TO PRIVATE SOLID WASTE COLLECTION - COUNCILMEMBER STEITZ

Scheduled for 4:30 p.m. this date at the direction of Councilmember Steitz.

On motion of Councilmember Perea, seconded by Councilmember Mathys, duly carried, **RESOLVED**, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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ADOPT CONSENT CALENDAR:

(1A-3) ADOPT ADDENDUM NO. 1 TO THE CITY'S DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM FOR FEDERAL PROJECTS REGARDING PROJECTS FUNDED BY THE FEDERAL HIGHWAY ADMINISTRATION (FHWA) (PROVISIONS CONFORMING WITH CALTRANS MODEL DBE PROGRAM FOR LOCAL AGENCIES)

(1A-4) APPROVE SPENDING PLAN FOR FY 2000 STATE OF CALIFORNIA SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUNDS (SLESF)

a. * **RESOLUTION NO. 2000-354** - 75TH AMENDMENT TO AAR 2000-183 APPROPRIATING \$908,000 OF SLESF TO CONTINUE TO UNDERTAKE FRONTLINE LAW ENFORCEMENT ACTIVITIES

(1A-6) APPROVE A SERVICE AGREEMENT WITH SONEX TECHNICAL SERVICES COMPANY IN AN AMOUNT NOT TO EXCEED \$169,820, TO PERFORM ROTATOR SONIC CALIPER ANALYSIS AND INSPECT DESIGNATED PORTIONS OF THE LARGE DIAMETER WASTEWATER COLLECTION PIPELINE SYSTEM

(1A-8) APPROVE CONTRACT CHANGE ORDER NO. 7 WITH CONSTRUCTION DEVELOPERS, INC. FOR THE PILIBOS SOCCER PARK CONSTRUCTION PROJECT WHICH AUTHORIZES CONSTRUCTION OF ADD ALTERNATE NOS. 1 AND 2 AND INCREASES THE CONTRACT COST BY AN ADDITIONAL \$305,547

(1A-9) **RESOLUTION NO. 2000-359** - DECLARING THE RESULTS OF THE CONSOLIDATED GENERAL MUNICIPAL ELECTION HELD WITHIN THE CITY ON NOVEMBER 7, 2000

On motion of Councilmember Perea, seconded by Councilmember Steitz, duly carried, **RESOLVED**, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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CONSENTED CONSENT CALENDAR ITEMS:

(1A-2) APPROVE AGREEMENT REGARDING CONVENTION CENTER ADVERTISING WITH NETWORK INTERNATIONAL (EXTINGUISHING THE SCOREBOARD AGREEMENT WITH FOSTER PROPERTIES, INC.)

a. * **RESOLUTION NO. 2000-356** - 4TH AMENDMENT TO AAR 200-183 APPROPRIATING \$223,500 TO FUND THE AGREEMENT WITH NETWORK INTERNATIONAL

Upon question of Acting President Bredefeld and President Boyajian, Convention Center Manager Sweeney and Director Valdez clarified the agreement would end the association with the old vendor and advertising would be taken over by staff, and that the concessionaire fund was the funding source.

On motion of Acting President Bredefeld, seconded by Councilmember Quintero, duly carried, **RESOLVED**, the agreement extinguishing the scoreboard agreement with Foster Properties, Inc., hereby approved and the City Manager authorized to execute the agreement on behalf of the City; and the above entitled Resolution No. 2000-356 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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(1A-1) APPROVE SELECTION OF ROSS AND CASTILLO AS ADMINISTRATOR FOR THE WORKERS’ COMPENSATION PROGRAM

Risk/Safety Manager Turner responded to questions of Councilmember Perea relative to the relationship of the owners of Ross and Castillo and the companies they do business with. Councilmember Perea questioned whether there was any conflict involved, expressed his concern with the recommendation for a three year contract with up to three one-year extensions, and reiterating he had a discomfort with the company and the multi-year contract made a motion to approve a one year agreement with a review thereafter, which motion was seconded by Councilmember Ronquillo. Councilmember Steitz spoke in opposition stating staff’s recommendation should be approved as the company had done an excellent job.

Discussion ensued on reasons for staff’s recommendation, the proposal being drafted for a three year agreement, Ross and Castillo’s past performance, need to re-negotiation rates for a one year contract, and incentives with a three year contract, with Mr. Turner, Interim City Manager Souza and Assistant City Attorney Avila clarifying issues and responding to questions.

A motion of Councilmember Perea, seconded by Councilmember Ronquillo, to authorize the City Manager to execute a one year contract with Ross and Castillo with a review thereafter failed, by the following vote:

- Ayes : Perea, Quintero, Ronquillo
- Noes : Bredefeld, Mathys, Steitz, Boyajian
- Absent : None

(2 - 0) On motion of Councilmember Steitz, seconded by Acting President Bredefeld, duly carried, RESOLVED, the City Manager authorized to execute a three-year contract with Ross and Castillo, with recognition of the possibility of annual extensions not to exceed an additional three years upon evidence of acceptable service and competitive cost, to provide workers’ compensation administration services to the City of Fresno, by the following vote:

- Ayes : Bredefeld, Mathys, Steitz, Boyajian
- Noes : Perea, Quintero, Ronquillo
- Absent : None

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(1A-5) * RESOLUTION NO. 2000-357 - 77TH AMENDMENT TO AAR 2000-183 APPROPRIATING \$2,895,200 FOR EXPENSES RELATED TO CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 5 - FOUNDRY PARK BUSINESS AND INDUSTRIAL DEVELOPMENT

City Engineer Salazar, Interim City Manager Souza, Doug Broty, 245 W. Garland, and Assistant City Attorney Avila responded to questions of Acting President Bredefeld and clarified issues relative to the criminal record of one of the partners of Foundry Park and if the City’s support would be an issue. A motion and second was made to adopt the resolution, and Mr. Broty responded to questions relative to the status of the project. Councilmember Ronquillo spoke in support stating this was a fantastic venture.

On motion of Acting President Bredefeld, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Resolution No. 2000-357 hereby adopted, by the following vote:

Ayes : Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes : None
Absent : None

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(1B-1) * BILL NO. B-80 - REPEALING ARTICLE 29 OF CHAPTER 2 AND ADDING ARTICLE 29 TO CHAPTER TO THE FRESNO MUNICIPAL CODE RELATING TO THE FRESNO CITY-COUNTY COMMUNITY AND CONVENTION CENTER MANAGER AND MANAGEMENT

Convention Center Manager Sweeney responded briefly to questions of Acting President Bredefeld relative to intent and purpose of the ordinance.

On motion of Acting President Bredefeld, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Bill No. B-80 introduced before the Council and laid over, by the following vote:

Ayes : Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes : None
Absent : None

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(1A-7) * RESOLUTION NO. 2000-358 - APPROVING THE REALLOCATION OF FUNDS FOR A FRESNO STREET PROJECT FROM “Q” TO “S” STREETS IN SUPPORT OF THE REGIONAL MEDICAL CENTER

City Engineer Salazar and Interim City Manager Souza responded to questions of Councilmember Steitz relative to whether the City had met all its contract requirements, the funds that would be used, and the projects that were being de-funded. Councilmember Steitz expressed his opposition stating this was an irresponsible use of City funds, and stressed the City had met all its requirements and funds were being taken away from neighborhoods.

Barbara Hunt, 944 “F” Street, spoke in opposition to the resolution.

Councilmember Ronquillo stated this had been prioritized during budget due to the need and stressed the improvement of the street was necessary for the medical center project, and noted the same thing happened to a project in his district and clarified the de-funded projects would be funded and constructed.

On motion of Councilmember Perea, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution No. 2000-358 hereby adopted, by the following vote:

Ayes : Bredefeld, Mathys, Perea, Quintero, Ronquillo, Boyajian
Noes : Steitz
Absent : None

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(5C) * RESOLUTION NO. 2000-359 - 78TH AMENDMENT TO AAR 2000-183 APPROPRIATING \$1,000 OF DISTRICT 5'S GENERAL FUND INFRASTRUCTURE BUDGET TO FUND THE CONVENTION CENTER COSTS FOR THE FMAAA THANKSGIVING LUNCHEON - COUNCILMEMBER QUINTERO

On motion of Councilmember Quintero, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution No. 2000-359 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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(5D) AUTHORIZE AN AGREEMENT RELATING TO SEARCH FIRM FOR SELECTION OF CITY MANAGER - PRESIDENT BOYAJIAN

Briefly reviewed by President Boyajian who advised the committee was recommending an agreement be entered into with the firm DMG Maximus. District 6 Council Assistant White, Assistant City Attorney Avila and Interim City Manager Souza responded to questions and clarified issues relative to total cost to the taxpayers, timeframe in hiring a city manager, why it was necessary for Council to approve the agreement, and the mayor-elect having the ability to conduct the search with budgeted transition funds. Councilmember Mathys stated he would not support the matter citing the cost and noted a more creative approach could have been undertaken such as placing ads in major newspapers. Councilmember Steitz stated he did not feel it was Council's role to deal with the issue.

Brief discussion ensued with President Boyajian, Councilmember Ronquillo and Acting President Bredefeld speaking in support, and Mr. Avila clarifying the mayor-elect had no authority to expend city funds therefore council approval was necessary.

On motion of President Boyajian, seconded by Councilmember Perea, duly carried, RESOLVED, Council President Boyajian authorized to enter into an agreement with DMG Maximus for the selection of the City Manager, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Ronquillo, Boyajian
Noes	:	Mathys
Absent	:	None
Abstain	:	Steitz

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(10:00 A.M.) CLOSED SESSION:

(A) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (b) - SIGNIFICANT EXPOSURE TO LITIGATION - CASE NAMES:

1. CLAIMS OF: MICHAEL RHODES, HERIBERTO ROSALES, ROBERT FISCHER, ARTHUR TREJO, JILL SMITH, BRYAN APPER, MEGHAN APPER, A MINOR, LYNN JACOBSSON, JULIUS RASMUSSEN, LAUREN FERBER, AARON WRIGHT, MARK STOUT, JUSTIN RUBEN, ALEXANDER ROSELLE, ZACH ORDENE, PAUL SOLONEN, JOAN POSS, AND ROBERT BERGSTROM

2. PATRIOT HOMES V. CITY OF FRESNO

3. CITY OF FRESNO V. U.S. ARMY CORPS OF ENGINEERS AND THE BOEING COMPANY, ET AL

4. BAKMAN WATER COMPANY, ET AL. V. CITY OF FRESNO, ET AL.

(B) (ADD-ON/SPECIAL NOTICE) CONFERENCE WITH LABOR NEGOTIATOR - GOVERNMENT CODE SECTION 54957.6 - EMPLOYEE ORGANIZATIONS: INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF), LOCAL 753, NON-MANAGEMENT FIRE, AND FIRE MANAGEMENT

JOINT CLOSED SESSION WITH THE REDEVELOPMENT AGENCY:

(A) CONFERENCE WITH REAL PROPERTY NEGOTIATOR - GOVERNMENT CODE SECTION 54956.8 - PROPERTY: PALM LAKES GOLF COURSE; NEGOTIATING PARTIES: REDEVELOPMENT AGENCY, CITY OF FRESNO, PETER STRAVINSKI; UNDER NEGOTIATIONS: OFFER TO CONVEY INTEREST, IF ANY, ARISING FROM A 1984 DEED FROM STRAVINSKI TO THE CITY OF FRESNO EQUIPMENT CORP. FOR PALM LAKES GOLF COURSE PROPERTY

The Council met in regular and joint closed session in Room 2125 at the hour of 10:45 a.m. to consider the above issues and reconvened in regular open session at 11:44 a.m.

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(11:00 A.M.) HEARING ON PROPOSED AMENDMENT TO THE FRESNO MUNICIPAL CODE RELATING TO PARKING OF COMMERCIAL VEHICLES

1. * BILL NO. B-76 - ORDINANCE NO. 2000-81 - REPEALING FRESNO MUNICIPAL CODE SECTION 10-1108 AND AMENDING SECTION 10-1109 RELATING TO PARKING OF COMMERCIAL VEHICLES

President Boyajian announced the time had arrived to consider the issue and opened the hearing. A motion was made to adopt the ordinance, which was later seconded and acted upon.

Barbara Hunt, 944 “F” Street, spoke to the issue.

Upon call, no one else wished to be heard and President Boyajian closed the public hearing.

Deputy Chief Dyer, Deputy City Attorney Slater and Capt. Rhames responded to questions relative to how the ordinance would impact truck drivers, enforcement provisions, **(3 - 0)** how holiday RV visitors would be dealt with, hours of enforcement, vehicles parking on undeveloped property, county islands surrounded by the city, reasons for enforcement only between 2 a.m. to 6 a.m. and not 24 hours, and citation amounts.

On motion of Councilmember Ronquillo, seconded by Councilmember Perea, duly carried, **RESOLVED**, the above entitled Bill No. B-76 adopted as Ordinance No. 2000-81, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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(11:30 A.M.) HEARING TO CONSIDER THE USE OF \$1,224,618 AWARD TO THE CITY BY THE U.S. DEPARTMENT OF JUSTICE TO UNDERTAKE THE LOCAL LAW ENFORCEMENT BLOCK GRANT PROGRAM

1. *RESOLUTION NO. 2000-360 - 74TH AMENDMENT TO AAR 2000-183 APPROPRIATING \$1,360,700 FROM CONTINGENCY TO VARIOUS LINE ITEMS IN ORDER TO EXPEND FUNDS RELATED TO THE FY 2000 LOCAL LAW ENFORCEMENT BLOCK GRANT

President Boyajian announced the time had arrived to consider the issue, opened the hearing, and a motion and second was made to adopt the resolution.

Barbara Hunt, 944 “F” Street, spoke to the issue.

Upon call, no one else wished to be heard and President Boyajian closed the hearing.

On motion of Councilmember Ronquillo, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution No. 2000-360 hereby adopted, by the following vote:

Ayes	:	Bredefeld, Mathys, Perea, Quintero, Ronquillo, Steitz, Boyajian
Noes	:	None
Absent	:	None

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CLOSED SESSION ANNOUNCEMENT

Assistant City Attorney Avila announced in the matter of Item “A”, Claims of Michael Rhodes through Robert Bergstrom, the Council voted 5-0-2 to deny the claims with Councilmembers Mathys and Perea absent.

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LUNCH RECESS - 12:05 P.M. - 5:00 P.M.

(5A)* BILL FOR INTRODUCTION - AMENDING FRESNO MUNICIPAL CODE SECTIONS 9-407 AND 9-408 RELATING TO PRIVATE SOLID WASTE COLLECTION - COUNCILMEMBER STEITZ

Laid over to December 19th at 4:30 pm. at the direction of Councilmember Steitz.

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PASSING OF DEVELOPER JOHN BONADELLE

Councilmember Mathys advised Mr. Bonadelle passed away and called for a moment of silence in his memory.

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(5:00 P.M.) HEARING ON PLAN AMENDMENT NO. A-00-02, CONDITIONAL USE PERMIT APPLICATION NO. C-00-58, AND ENVIRONMENTAL ASSESSMENT NO. A-00-02, C-00-58, FILED BY GRANUM PARTNERS, PROPERTY LOCATED ON THE NORTH AND WEST CORNER OF E. PERRIN AND E. CHAMPLAIN DRIVE (3 ACRES ON THE NORTH CORNER AND 5.6 ACRES ON THE WEST CORNER)

1. ADOPTING MITIGATED NEGATIVE DECLARATION NO. A-00-02, C-00-58, DATED NOVEMBER 3, 2000
2. BILL - AMENDING THE DOMINION PLANNED COMMUNITY SPECIFIC PLAN PROJECT REPORT
3. RESOLUTION - APPROVING CONDITIONAL USE PERMIT APPLICATION NO. C-00-58

President Boyajian announced the time had arrived to consider the issue and opened the hearing.

Planning Manager Haro reviewed the staff report as submitted and specifics of the issue including the variety of land uses being proposed for parcels 2 and 3 only, building heights, and the trail and library components, using maps and exhibits to illustrate, and recommended approval subject to the conditions outlined in the staff report.

Speaking on behalf of the applicant were: Dirk Poeschel, 2310 Tulare Street, who gave an overview of the project **(4 - 0)** and responded to questions of Councilmember Perea relative to guarantees for construction of the library, and Mike Mehl, Pearson Realty, 2550 W. Shaw, who spoke to the uses and marketability of the vacant properties.

Speaking in opposition to the project were: Michael Erin Woody, 9439 N. Saybrook; and Robert Rosati, 756 E. Serena, Board of Directors, Woodward Park Homeowners Association. Councilmember Ronquillo left at 5:53 p.m. and was absent for the remainder of the meeting.

Continued speakers were: Ron Unruh, 1003 E. Freedom, support for the project; Kelly Unruh, 1003 E. Champlain Heights Homeowners Association, support; David Allen, opposed, who also submitted written information; Marge Allen, 645 E. Champlain, opposed; Jim O'Neal, 1284 E. Jamestown, who spoke to the trail issue and requested a delay stating the plans had changed from those originally shown; Steve Pilibos, 1919 S. Willow; Martha Howard, 9539 N. Whitehouse Dr., opposed, who also submitted written material; Christie Atkins, 1112 E. Democracy, President, Champlain Heights Homeowners Association, opposed; Mari Varend, 9476 N. Whitehouse Dr., support; Robin Baldwin, 307 E. Lindbrook, who requested the matter be tabled and referred to back to homeowners' associations; and Lois Johnson, opposed **(5 - 0)**.

Upon call, no one else wished to be heard and President Boyajian closed the public hearing.

Deputy City Attorney Hale, Development Director Yovino, Mr. O'Neal, Mr. Poeschel and Mr. Haro responded to questions of Acting President Bredefeld and/or clarified issues relative to whether the library could be made a condition of approval and how long it would take staff to research and report back on the legality of such a condition, whether an EIR was required as stated in a letter from Attorney Carl Motschieder, the trails issue, status of the trail project behind Save Mart, if the developer would agree to a stipulation that a library would be built, residents' testimony and concerns that the proposal had changed from its original presentation, requested change in density, building heights on all three parcels, staff's position on neighbors' expressed concerns, non-need for a new traffic study, and staff's understanding and comfort with the plan as submitted.

Acting President Bredefeld stated the issue of the trails was a valid concern of homeowners and explained, and offered a motion to require the trail as shown on the Dominion Specific Plan but defer its installation and require the applicant to post securities to cover the installation costs, request the Dominion Homeowners' Association to discuss and adopt a comprehensive trail plan for the four corners of the intersection specifying the exact location of the trail on each corner, and continue the hearing one week, if needed, to allow staff to return with a legal opinion on the library

stipulation. Acting President Bredefeld clarified he would be willing to support the project as requested by the applicant but only with the library stipulation. Mr. Hale and Mr. Poeschel responded to questions and clarified issues relative to ramifications of such a stipulation and the developer's intent to sell property to Fresno County for the library. Acting President Bredefeld made a motion to continue the hearing one week to allow staff to return with a legal opinion on the library stipulation, which was seconded and acted upon after additional discussion.

Councilmember Mathys clarified past issues relative to the library, stated he did not see how Council could mandate a library, questioned if such a land use decision had ever been imposed or if staff had ever seen a governmental agency require a developer to build a library (with Mr. Hale and Mr. Haro responding), **(6 - 0)** and stated Council needed to vote up or down on the issue as staff was advising against such a stipulation. Councilmember Perea clarified staff was not saying such a stipulation could not be made noting the city attorney would make that determination, and questioned the traffic impacts and modifications being requested by the applicant, with Mr. Haro responding.

Councilmember Steitz stated he agreed with Councilmember Mathys noting people opposed the project and could care less if a library went in or not, questioned requirements for mitigation measures, if Ralph's would require a full EIR, and if this was an economically viable project with all the deleted uses (with Mr. Haro and Mr. Poeschel responding), and stated he opposed a delay as he did not see how Council could impose such a condition. Mr. Haro, Mr. Pilibos and Mr. O'Neal responded briefly to questions of President Boyajian relative to staff's position that an EIR was not necessary, project traffic impacts compared to Ralph's and the Ralph's at Herndon/Brawley, mitigation measures, the library, and proposed building heights.

On motion of Acting President Bredefeld, seconded by Councilmember Perea, duly carried, RESOLVED, the hearing on Plan Amendment No. A-00-02, CUP No. C-00-58, and E.A. No. A-00-02, C-00-58, filed by Granum Partners, continued to December 19th at 3:30 p.m. to allow staff to research and report back on the legality of imposing a land use stipulation (library) as a condition of project approval, by the following vote:

Ayes	:	Bredefeld, Perea, Quintero, Boyajian
Noes	:	Mathys, Steitz
Absent	:	None

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There being no further business to bring before the Council, the hour of 7:25 p.m. having arrived and hearing no objections, President Boyajian declared the meeting adjourned.

APPROVED on the 19th day of December, 2000.

ATTEST:	
Tom Boyajian, Council President	Yolanda Salazar, Assistant City Clerk